

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SAMUEL MCCRAY,

Petitioner,

vs.

SCOTT R. FRAKES, Director of the
Nebraska Department of Correctional
Services;

Respondent.

8:21CV7

MEMORANDUM AND ORDER

Mr. McCray filed a motion for reconsideration (Filing 19) and then a notice of appeal (Filing 21). Between the time of those two events, I ordered the Respondent to reply to the motion for reconsideration. (Filing 20.) The Respondent has complied with my order. (Filing 25.) However, to avoid confusion,

IT IS ORDERED that:

(1) Mr. McCray is authorized to appeal in forma pauperis. (See Filings 22 and 23.)

(2) Mr. McCray's motion for reconsideration (Filing 19) is held in abeyance.¹

(3) Our Clerk shall provide a copy of this order to the Clerk for the United States Court of Appeals for the Eighth Circuit.

¹ However, candor requires me to state that I would deny the motion based upon the Respondent's submission (Filing 25).

Dated this 11th day of June, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge